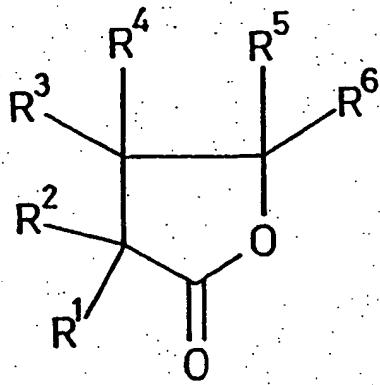


**Amendments to and Listing of the Claims:**

Please cancel claim 16 and amend claim 1 so the claims read as follows:

1. (currently amended). A non-aqueous electrolyte secondary battery comprising a positive electrode, a negative electrode and a non-aqueous electrolyte,  
wherein said non-aqueous electrolyte comprises a non-aqueous solvent and a solute dissolved in said non-aqueous solvent,  
wherein said non-aqueous solvent comprises: (A) a cyclic carboxylic acid ester; (B) 0.5 to 20 volume percent of the total volume of non-aqueous solvent of a cyclic carbonic acid ester having at least one carbon-carbon unsaturated bond; and (C) a cyclic carbonic acid ester having no carbon-carbon unsaturated bond,  
and wherein said cyclic carbonic acid ester having at least one carbon-carbon unsaturated bond (B) comprises vinylethylene carbonate.

- 2 (original). The non-aqueous electrolyte secondary battery in accordance with Claim 1, wherein said cyclic carboxylic acid ester (A) is at least one selected from the group consisting of  $\gamma$ -butyrolactone and a derivative of  $\gamma$ -butyrolactone represented by the formula (1):



where  $R^1$  to  $R^6$  are, independently, a hydrogen atom, a halogen atom, an alkyl group having 1 to 6 carbon atoms, or an acetyl group having 1 to 6 carbon atoms.

3 (original). The non-aqueous electrolyte secondary battery in accordance with Claim 2, wherein said derivative of  $\gamma$ -butyrolactone is  $\gamma$ -valerolactone.

4 (previously presented). The non-aqueous electrolyte secondary battery in accordance with Claim 1, wherein said cyclic carbonic acid ester having at least one carbon-carbon unsaturated bond (B) further comprises at least one selected from the group consisting of vinylene carbonate and divinylethylene carbonate.

5 (original). The non-aqueous electrolyte secondary battery in accordance with Claim 1, wherein said cyclic carbonic acid ester having no carbon-carbon unsaturated bond (C) is at least one selected from the group consisting of propylene carbonate, ethylene carbonate and butylene carbonate.

6 (previously presented). The non-aqueous electrolyte secondary battery in accordance with Claim 1, wherein said cyclic carboxylic acid ester (A) is at least one selected from the group consisting of  $\gamma$ -butyrolactone and  $\gamma$ -valerolactone, said cyclic carbonic acid ester having at least one carbon-carbon unsaturated bond (B) further comprises at least one selected from the group consisting of vinylene carbonate and divinylethylene carbonate, and said cyclic carbonic acid ester having no carbon-carbon unsaturated bond (C) is at least one selected from the group consisting of propylene carbonate and ethylene carbonate.

7 (previously presented). The non-aqueous electrolyte secondary battery in accordance with Claim 1, wherein said non-aqueous solvent further comprises vinylene carbonate as said cyclic carbonic acid ester having at least one carbon-carbon unsaturated bond (B).

8 (original). The non-aqueous electrolyte secondary battery in accordance with Claim 1, wherein said non-aqueous solvent further comprises a linear carbonic acid ester (D).

9 (original). The non-aqueous electrolyte secondary battery in accordance with Claim 8, wherein said linear carbonic acid ester (D) is at least one selected from the group consisting of dimethyl carbonate, ethylmethyl carbonate and diethyl carbonate.

10 (original). The non-aqueous electrolyte secondary battery in accordance with Claim 1, wherein said non-aqueous solvent further comprises a glime (E).

11 (original). The non-aqueous electrolyte secondary battery in accordance with Claim 10, wherein said glime (E) is at least one selected from the group consisting of diglime, triglime and tetraglime.

12 (original). The non-aqueous electrolyte secondary battery in accordance with Claim 1, wherein said positive electrode comprises a lithium-containing transition metal oxide and said negative electrode comprises graphite.

13 (original). The non-aqueous electrolyte secondary battery in accordance with Claim 12, wherein said lithium-containing transition metal oxide is represented by the formula:



where M is at least one selected from the group consisting of Mn, Ni, Y, Yb, Ca, Al, Ti, Cu, Zn, Sr and Ba,  $0 \leq a \leq 1.05$ ,  $0.005 \leq x \leq 0.15$ ,  $0 \leq y \leq 0.25$ ,  $0.85 \leq b \leq 1.1$  and  $1.8 \leq c \leq 2.1$ .

14 (previously presented). The non-aqueous electrolyte secondary battery in accordance with Claim 1, wherein said non-aqueous electrolyte comprises LiPF<sub>6</sub> and LiBF<sub>4</sub> in a molar ratio of 1:9 to 9:1 as said solute.

15 (original). The non-aqueous electrolyte secondary battery in accordance with Claim 1, wherein said non-aqueous solvent further comprises a derivative of benzene comprising a phenyl group and a cyclic compound group contiguous to said phenyl group.

16 (canceled).